

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA FOLEY, et al.,

Plaintiffs,

-against-

UNION DE BANQUES ARABES ET  
FRANÇAISES,

Defendant.

**ORDER**

22-cv-1682 (ER)

On July 20, 2023, the Court granted in part and denied in part Union de Banques Arabes et Françaises’ (“UBAF’s”) motion to dismiss Plaintiffs’ claims. Doc. 26 (“the Opinion”).

By letter motion on July 24, 2023, UBAF sought leave to file a motion to reconsider the Opinion or, in the alternative, stay the case pending the Second Circuit’s decision in *Levin v. Bank of New York*, No. 22-2624, which was anticipated to squarely address the continued viability of Plaintiffs’ surviving turnover claims. Doc. 27. The Court held a conference on August 10, 2023 to address the issues UBAF raised, and it stayed the instant case pending the Second Circuit’s decision in *Levin*. Doc. 33. The Court additionally stated at the conference that, if the Second Circuit’s decision in *Levin* did not alter the law concerning Plaintiffs’ turnover claims, UBAF would be permitted to make its motion for reconsideration, but the Court indicated that it did not anticipate it would stay discovery at that juncture. Doc. 34 at 16:16-20. At that time, UBAF also stated that it would file an appeal of the Opinion to “preserve [its] rights” and “divest the Court of jurisdiction[,] including any discovery disputes,” because it contends that the Opinion denied UBAF sovereign immunity and was therefore a collateral order. *Id.* at 13:6–11.

On August 15, 2023, the parties in *Levin* stipulated to dismiss the appeal with prejudice, which the Second Circuit so ordered on August 18, 2023. *See* Doc. 37-1.

On August 21, 2023, UBAF filed a notice of appeal of the Opinion. Doc. 36. UBAF did not assert that the Opinion was a collateral order, nor address the Second Circuit's jurisdiction to hear the interlocutory appeal notwithstanding that the Opinion is not a final judgment.

On August 22, 2023, Plaintiffs wrote to inform the Court of the disposition of *Levin* and requested the Court lift the stay. Doc. 37.

The Court now directs the parties to, by August 31, 2023, submit letters of no more than three pages to advise the Court as to whether the case must remain stayed in light of UBAF's appeal, notwithstanding the resolution of *Levin*.

SO ORDERED.

Dated: August 25, 2023  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

Edgardo Ramos, U.S.D.J.